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December 5, 2022

Magistrate Judge Peggy Kuo
United States District Court
Eastern District of New York
225 Cadman Plaza East
Courtroom 11C South
Brooklyn, New York 11201

Re: Falls Lake v. Kalnitech Construction Corp. et. al.
Docket No: 1:22-cv-01473-KAM-PK
Our File No: 19-208

Dear Judge Kuo,

In response to Your Honor's order of today and pursuant to the Scheduling Order (Doc. No. 35), Falls Lake National Insurance Company has communicated with counsel regarding settlement. On December 5, 2022, I e-mailed the following to all counsel:

"I think that Jonathan Dachs still has not appeared in the case – let me know if I am wrong about that - but, anyway, on the issue of settlement, I would think that the only way to settle the coverage case is if we can settle the underlying Espinoza lawsuit as well. From an insurance coverage perspective, my client has disclaimed and we would argue has no exposure for the claims in the underlying Espinoza lawsuit, leaving only the policy (or policies) covering DAVS/ASK as the only ones exposed for , so we would look to that insurer to step in and settle the underlying Espinoza lawsuit by the employee of JIM ASSOCIATES which contracted with ASK for work that Espinoza was performing when injured. So, my proposal is for the insurer of DAVS/ASK to step up and settle the underlying Espinoza lawsuit."

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DAVS/ASK has not agreed to my proposal. No one else has submitted any counterproposal regarding settlement.

Moreover, we have no attorney for Espinoza in this action, which makes it impossible to settle with Espinoza.

Respectfully submitted,
MIRANDA SLONE SKLARIN VERVENIOTIS LLP
s/Steven Verveniotis
Steven Verveniotis

Cc: All Counsel Via ECF